

STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

**PERMIT FOR DIVERSION AND USE OF WATER**

PERMIT 21133

Application 30813 of      **Provident Irrigation District**  
                                 **259 South Butte Street**  
                                 **Willows, CA 95988**

filed on **November 19, 1998**, has been approved by the State Water Resources Control Board (SWRCB)  
SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

**Permittee is hereby authorized to divert and use water as follows:**

1.     Source of water

Source:

**(1) and (2) Sacramento River**

**(3) Colusa Basin Drain**

**(4) Drain No. 13**

**(5) Unnamed Drain**

**(6) Drain No. 55**

**(7) Willow Creek**

Tributary to:

**Suisun Bay**

**Sacramento River thence Suisun Bay**

**Sacramento River thence Suisun Bay**

**Sacramento River thence Suisun Bay**

**Sacramento River thence Suisun Bay**

**Sacramento River thence Suisun Bay**

within the County of **Glenn**.

2.     Location of point of diversion

| By California Coordinate System of 1927, in Zone 2   | 40-acre subdivision of public land survey or projection thereof | Section Projected | Township   | Range     | Base and Meridian |
|--|---|-------------------|------------|-----------|-------------------|
| <b>(1) Sacramento River-GCID Hamilton City Pumping Plant: North 773,200 feet and East 1,986,300 feet</b> | <b>NE¼ of SE¼</b>   | <b>2</b>          | <b>22N</b> | <b>2W</b> | <b>MD</b>         |
| <b>(2) Sacramento River-PCGID/PID SIDDS Pumping Plant: North 687,300 feet and East 1,999,350 feet</b>    | <b>SW¼ of SW¼</b>   | <b>29</b>         | <b>20N</b> | <b>1W</b> | <b>MD</b>         |
| <b>(3) Colusa Basin Drain: North 688,800 feet and East 1,993,950 feet</b>                                | <b>NE¼ of SE¼</b>   | <b>25</b>         | <b>20N</b> | <b>2W</b> | <b>MD</b>         |
| <b>(4) Drain No. 13: North 688,950 feet and East 1,979,900 feet</b>                                      | <b>NE¼ of SW¼</b>   | <b>27</b>         | <b>20N</b> | <b>2W</b> | <b>MD</b>         |

|   |            |    |     |    |    |
|---|------------|----|-----|----|----|
| (5) Unnamed Drain-Sprague Plant: North 682,950 feet and East 1,976,550 feet | NW¼ of SE¼ | 33 | 20N | 2W | MD |
| (6) Drain No. 55: North 671,200 feet and East 1,977,250 feet                | SE¼ of SE¼ | 9  | 19N | 2W | MD |
| (7) Willow Creek Plant: North 652,300 feet and East 1,976,150 feet          | NW¼ of SE¼ | 33 | 19N | 2W | MD |

| 3. Purpose of use        | 4. Place of use  | Section Projected                     | Township | Range | Base and Meridian | Acres |
|--------------------------|--|---------------------------------------|----------|-------|-------------------|-------|
| Recreational             |  |                                       |          |       |                   |       |
| Wildlife Habitat         |  |                                       |          |       |                   |       |
| Rice Straw Decomposition |  |                                       |          |       |                   |       |
| Irrigation               | Within the boundaries of Provident Irrigation District | 25-28, 33-36                          | 20N      | 2W    | MD                |       |
|                          |  | 1-4, 9-11, 14-17, 19-23, 26-28, 33-35 | 19N      | 2W    | MD                |       |
|                          |  | 2-5, 9-11, 14-16, 21-23, 27, 33, 34   | 18N      | 2W    | MD                |       |

The place of use is shown on map on file with the SWRCB.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 483.25 cubic feet per second to be diverted from October 1 to March 31 of each year. The maximum amount diverted under this permit shall not exceed 26,747 acre-feet per year. (0000005A)
6. Construction work and complete application of the water to the authorized use shall be prosecuted with reasonable diligence and completed by December 31, 2012. (0000009)
7. The equivalent of the authorized continuous flow allowance for any 30-day period may be diverted in a shorter time, provided there is no interference with other rights and instream beneficial uses, and provided further that all terms and conditions protecting instream beneficial uses are observed. (0000027)
8. Permittee shall consult with the Division of Water Rights and develop and implement a water conservation plan or actions. The proposed plan or actions shall be presented to the State Water Resources Control Board for approval within one year from the date of this permit or such further time as, for good cause shown, may be allowed by the Board. A progress report on the development of a water conservation program may be required by the Board at any time within this period.

All cost-effective measures identified in the water conservation program shall be implemented in accordance with the schedule for implementation found therein.

(0000029B)

9. If it is determined after permit issuance that the as-built conditions of the project are not correctly represented by the map(s) prepared to accompany the application, permittee shall, at his expense have the subject map(s) updated or replaced with equivalent as-built map(s). Said revision(s) or new map(s) shall be prepared by a civil engineer or land surveyor registered or licensed in the State of California and shall meet the requirements prescribed in section 715 and sections 717 through 723 of the California Code of Regulations, Title 23. Said revision(s) or map(s) shall be furnished upon request of the Chief, Division of Water Rights.  
(0000030)
10. The State Water Resources Control Board reserves jurisdiction over this permit to change the season of diversion to conform to later findings of the SWRCB concerning availability of water and the protection of beneficial uses of water in the Sacramento-San Joaquin Delta and San Francisco Bay. Any action to change the authorized season of diversion will be taken only after notice to interested parties and opportunity for hearing.  
(0000080)
11. This permit is subject to prior rights. Permittee is put on notice that, during some years, water will not be available for diversion during portions or all of the season authorized herein. The annual variations in demands and hydrologic conditions in the Sacramento River are such that, in any year of water scarcity, the season of diversion authorized herein may be reduced or completely eliminated by order of the SWRCB, made after notice to interested parties and opportunity for hearing.  
(0000090)
12. No diversion is authorized by this permit when satisfaction of inbasin entitlements requires release of supplemental Project water by the Central Valley Project or the State Water Project.
- a. Inbasin entitlements are defined as all rights to divert water from streams tributary to the Sacramento-San Joaquin Delta or the Delta for use within the respective basins of origin or the Legal Delta, unavoidable natural requirements for riparian habitat and conveyance losses, and flows required by the State Water Resources Control Board for maintenance of water quality and fish and wildlife. Export diversions and Project carriage water are specifically excluded from the definition of inbasin entitlements.
- b. Supplemental Project water is defined as that water imported to the basin by the projects plus water released from Project storage which is in excess of export diversions, Project carriage water, and Project inbasin deliveries.
- The State Water Resources Control Board shall notify permittee of curtailment of diversion under this term after it finds that supplemental Project water has been released or will be released. The Board will advise permittee of the probability of imminent curtailment of diversion as far in advance as practicable based on anticipated requirements for supplemental Project water provided by the Project operators.  
(0000091)
13. This permit is specifically subject to the prior right of Yolo County Flood Control and Water conservation District under appropriation issued pursuant to Application 30358 and Glenn-Colusa Irrigation District under Application 18 (License 2871).  
(000000T)

**ALL PERMITS ISSUED BY THE STATE WATER RESOURCES CONTROL BOARD ARE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

- A. The amount authorized for appropriation may be reduced in the license if investigation warrants.  
(0000006)

- B. Progress reports shall be submitted promptly by permittee when requested by the SWRCB until a license is issued. (0000010)
- C. Permittee shall allow representatives of the SWRCB and other parties, as may be authorized from time to time by said SWRCB, reasonable access to project works to determine compliance with the terms of this permit. (0000011)
- D. Pursuant to California Water Code sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

- E. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the SWRCB if, after notice to the permittee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

(0000013)

- F. This permit does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under

this water right, the permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

(0000014)

- G. Permittee shall maintain records of the amount of water diverted and used to enable SWRCB to determine the amount of water that has been applied to beneficial use pursuant to Water Code section 1605.

(0000015)

- H. No work shall commence and no water shall be diverted, stored or used under this permit until a copy of a stream or lake alteration agreement between the State Department of Fish and Game and the permittee is filed with the Division of Water Rights. Compliance with the terms and conditions of the agreement is the responsibility of the permittee. If a stream or lake agreement is not necessary for this permitted project, the permittee shall provide the Division of Water Rights a copy of a waiver signed by the State Department of Fish and Game.

(0000063)

***This permit is issued and permittee takes it subject to the following provisions of the Water Code:***

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

STATE WATER RESOURCES CONTROL BOARD



*Edward C. Anton, Chief  
Division of Water Rights*

Dated: JUN 13 2002